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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,789	05/04/2005	Dwipendra Nath Guha	050501MNL	2259

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LAU & ASSOCIATES  
7701 ROCKLEDGE COURT  
SPRINGFIELD, VA 22152

EXAMINER

CHIU, RALEIGH W

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,789	<b>Applicant(s)</b> GUHA, DWIPENDRA NATH	
	<b>Examiner</b> Raleigh Chiu	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10 and 15 is/are rejected.
- 7) ☒ Claim(s) 8 and 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/13/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in India on 05 November 2002. It is noted, however, that applicant has not filed a certified copy of the 621/CAL/02 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 4,494,753 (Wampler) in view of U.S. Patent Number 3,787,054 (Stafford).

Regarding claims 1-3, 6 and 14, Figures 1-2 of Wampler show a plastic cubic body containing a plurality of intersection pathways of varying lengths for an object. Although Wampler

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does not show a non-transparent body, it would have been obvious to do so in view of Stafford who teaches that transparent, partially transparent and non-transparent mazes are all well-known in the art and it would have been obvious to one of ordinary skill in the art to use a particular embodiment for a specific difficulty of the game.

Regarding claim 4, as the complexity of the maze game is determined by the number of blind pathways, it would have been within the level of ordinary skill, by routine experimentation to provide the Wampler maze as modified above to provide a certain number of blind pathways in order to obtain a specific level of difficulty for the game.

4. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wampler and Stafford as applied above in view of U.S. Patent Number 2,509,340 (Fly).

Regarding claim 5, it would have been obvious to one of ordinary skill in the art to construct the Wampler maze game as modified above with moldable pathways in view of Fly who teaches that such maze constructions are old and well-known in the art. To select features from the prior art to effect results expected from these features is within the purview of 35 USC 103.

Regarding claim 7, Figure 1 of Wampler shows entrance and exit apertures on opposite sides.

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5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wampler and Stafford as applied above in view of U.S. Patent Number 4,008,895 (Reiner et al., hereinafter Reiner).

Regarding claim 9, Reiner teaches the concept of multiple exit apertures. See the bridging paragraph between columns 6-7. It would have been obvious to one of ordinary skill in the art to provide multiple exit apertures on the Wampler maze game as modified above in view of Reiner in order to allow a user more possibilities and opportunities to finish the game.

Regarding claim 10, it would have been an obvious matter of design choice to place the exit apertures at different locations about the cubic body, since applicant has not disclosed that having these specific locations solves any stated problem or is for any particular purpose and it appears that the maze game would perform equally well with the apertures at any location.

#### ***Allowable Subject Matter***

6. Claims 8 and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

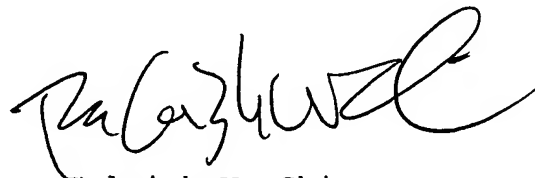
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached on (571) 272-4463.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raleigh W. Chiu  
Primary Examiner  
Technology Center 3700

RWC:dei:feif

3 September 2006